

Remarks

In the Final Office Action dated April 7, 2006, claims 1-30 were rejected under 35 USC § 112, first paragraph, and under 35 USC § 103(a). In a Decision on Appeal mailed in an Office Action December 8, 2008, the BPAI reversed the § 112 rejections but affirmed those under § 103(a). Applicant respectfully requests reconsideration.

Claims 1, 6-8, 12, 13, 18, 20, 26, 27, and 29 have been amended. No new matter is added. Support for claim amendments can be found throughout the specification and claims including, for example, figure 5 and accompanying description.

Section 112, First Paragraph Rejection

The rejections of claims 1-30 under §112, first paragraph have been reversed on appeal.

Section 103 Rejections

The rejections of claims 1-30 under § 103(a) were affirmed. As affirmed, claims 1-30 currently stand rejected as being unpatentable over Westerinen et al. (US Patent No. 2004/0088589), and in further view of Cooper et al. (US Patent No. 5,838,982). But Applicant submits that the claims, at least as currently amended, overcome these rejections.

Amended claim 1 recites, in part:

receiving a state signal signaling whether the apparatus is in an AC failure state;
receiving a power button event signal signaling an event associated with a power button of the apparatus; and
physically negating the power button event signal if the state signal signals that the apparatus is in the AC failure state.

In the Decision on Appeal, the BPAI interpreted Cooper as disclosing making a power button event signal "ineffective or invalid."¹ But Applicant submits that Cooper cannot be said to teach "physically negating the power button event signal." Cooper teaches a microcontroller that performs software functions as shown in figure 2.² If the power button is pressed in step 106, the microcontroller performs a series of software events. At some point – step 112 – the microcontroller is said to determine whether there is available system power. The process ends if no power is available; hence making the power button event signal "ineffective or invalid."

Pressing the power button therefore generates an electric signal received by the microcontroller. The microcontroller then initiates a series of software events. But by the time step 112 is reached, the power button event signal has already come and gone and could no longer be physically negated. Applicant recognizes that software does not operate outside of the physical world. But Applicant submits that Cooper does not teach physically negating the power button event signal. If anything is physically negated, it is not the power button event signal but some other state or process running on the microcontroller. Applicant therefore submits that Cooper fails to teach all elements of claim 1.

Furthermore, there would have been no motivation to modify the Cooper method to teach physically negating the power button event signal. Cooper teaches power switch management designed such that the microcontroller never fails to respond to the power button.³ Even though Cooper does teach that the microcontroller ends the process if power is unavailable, it has still *responded* to the signal (perhaps just in a way that the user cannot readily detect). One of ordinary skill would therefore recognize that physically negating the power button event signal would cause the microcontroller to fail to respond to the signal and therefore run counter to Cooper's stated purpose. Thus, one of ordinary skill would have found no motivation to so modify Cooper.

¹ See Decision on Appeal, page 7.

² See Cooper, column 3, lines 8-14.

³ See Cooper, column 3, lines 8-10.

For at least these reasons, Applicant submits that claim 1 is non-obvious, and therefore patentable, over the combination of Westerinen and Cooper. All other claims depend from claim 1, recite generally-similar subject matter as claim 1, or depend from a claim reciting generally-similar subject matter. Therefore, for at least the same reasons, Applicant submits that all claims are patentable over the combination.

Conclusion

In conclusion, Applicant respectfully submits that claims 1-30 are in condition for allowance. Early issuance of a Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,
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